



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

OPEN MINUTES **BOARD MEETING**

TIME: 9:00 a.m.
DATE: Tuesday, February 8, 2005
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:

Walter J. Lanni, Chairman
Joseph V. Mulvey
John R. Capobianco
Frank J. Montanaro
Gerald S. Goldstein
Ellen L. Jordan

BOARD MEMBER ABSENT:

Elizabeth S. Dolan

OTHERS PRESENT:

Robyn H. Golden, Acting Administrator
Linda L. Esposito, Secretary
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.

All members present reviewed the Open Minutes of the December 14, 2004 Board Meeting. A Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

UNIT CLARIFICATIONS:

1. Case No. EE-1714
Department of Administration, State Properties Committee & AFSCME
UNIT CLARIFICATION: Executive Secretary (*Consent Agreement & Affidavit*)

Chairman Lanni recused himself from participation in this matter.

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position of Executive Secretary, State Properties Committee, shall be and is hereby accreted into the bargaining unit defined in Case No. EE-1714. After discussion, all participating Board members present voted in favor of the Motion.

2. Case No. EE-1714
Department of Administration & AFSCME
UNIT CLARIFICATION: Clerk Secretary (*Consent Agreement & Affidavit*)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position of Clerk Secretary shall be and is hereby accreted into the bargaining unit defined in Case No. EE-1714. After discussion, all participating Board members present voted in favor of the Motion.

DRAFTED DECISIONS:

1. Case No. ULP-5506
Bristol Warren School & NEA

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by John Capobianco to table this matter to the next Board Meeting on March 8, 2005. All Board members present voted in favor of the Motion.

2. Case No. ULP-5657
Department of Corrections & RIBCO

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by John Capobianco to table this matter to the next Board Meeting on March 8, 2005. All Board members present voted in favor of the Motion.

3. Case No. ULP-5689
State of RI & AFSCME

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by John Capobianco to table this matter to the next Board Meeting on March 8, 2005. All Board members present voted in favor of the Motion.

4. Case No. ULP-5578/5596
Tiverton School Department & AFSCME

This case was heard formally by Walter J. Lanni, Joseph V. Mulvey, Gerald S. Goldstein, John R. Capobianco and Elizabeth S. Dolan. Frank Montanaro and Ellen Jordan reviewed the briefs and transcripts in this matter.

ORDER: 1) The Employer is hereby ordered to cease and desist the utilization of non-bargaining unit personnel to perform bargaining unit work of special education aides in a manner that is inconsistent with the currently negotiated terms and conditions of employment for special education aides. 2) That the Unfair Labor Practice Charge and Complaint in the matter of Case No. ULP-5578 is upheld. 3) That the Unfair Labor Practice Charge and Complaint in the matter of Case No. ULP-5596 is hereby dismissed.

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Staff will contact Elizabeth Dolan for her vote and signature.

Staff contacted Elizabeth Dolan for her vote in this matter; Ms. Dolan voted in favor of the Motion and signed as written.

5. Case No. ULP-5700
Department of Labor & Training & AFSCME

This case was heard formally by Joseph V. Mulvey, Gerald S. Goldstein, and John R. Capobianco. Walter Lanni, Frank Montanaro, Elizabeth Dolan and Ellen Jordan reviewed the briefs and transcripts in this matter.

ORDER: The unfair labor practice complaint is hereby dismissed.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Staff will contact Elizabeth Dolan for her vote and signature.

Staff contacted Elizabeth Dolan for her vote in this matter; Ms. Dolan voted in favor of the Motion and signed as written.

6. Case No. EE-2087
Board of Regents & RIC Staff Association/AFT
UNIT CLARIFICATION: Director Health Services/Nurse Practitioner

This case was heard formally by Walter Lanni, Joseph V. Mulvey, Gerald S. Goldstein, John Capobianco, Ellen Jordan and Elizabeth Dolan. Frank Montanaro reviewed the briefs and transcripts in this matter.

ORDER: 1) The petition to accrete the position of Director Health Services/Nurse Practitioner to the bargaining unit certified by Case No. EE-2087 is granted.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Staff will contact Elizabeth Dolan for her vote and signature.

Staff contacted Elizabeth Dolan for her vote in this matter; Ms. Dolan voted in favor of the Motion and signed as written.

7. Case No. EE-2087
Board of Regents & RIC Staff Association/AFT
UNIT CLARIFICATION: Director, User Support Services

This case was heard formally by Walter Lanni, Joseph V. Mulvey, Gerald S. Goldstein, John Capobianco, Ellen Jordan and Elizabeth Dolan. Frank Montanaro reviewed the briefs and transcripts in this matter.

ORDER: 1) The petition to accrete the position of Director, User Support Services to the bargaining unit certified by Case No. EE-2087 is hereby denied and dismissed.

After review of the drafted decision, a Motion was made by Ellen Jordan and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Staff will contact Elizabeth Dolan for her vote and signature.

Staff contacted Elizabeth Dolan for her vote in this matter; Ms. Dolan voted in favor of the Motion and signed as written.

8. Case No. EE-3669
Town of Scituate, Dept. of Public Works & Teamsters, Local 251
UNIT CLARIFICATION: Chief Mechanic

This case was heard formally by Walter Lanni, Elizabeth Dolan and Joseph Mulvey. Frank Montanaro, John Capobianco, Gerald Goldstein and Ellen Jordan reviewed the transcript and briefs in this matter.

ORDER: 1) The position of Chief Mechanic shall be included within the bargaining unit certified by EE-3669.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by Ellen Jordan to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Staff will contact Elizabeth Dolan for her vote and signature.

Staff contacted Elizabeth Dolan for her vote in this matter; Ms. Dolan voted in favor of the Motion and signed as written.

MISCELLANEOUS MATTERS:

1. Case No. ULP-5716 (***Settlement Agreement***)
Town of West Warwick & AFSCME

After review of the Settlement Agreement executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by Ellen Jordan to acknowledge and accept the parties' signed agreement and dismiss the unfair labor practice charge in this matter. After discussion, all Board Members present voted in favor of the Motion.

2. Case No. ULP-5682 (***Request for Abeyance***)
Coventry Fire District & IAFF

Frank Montanaro recused himself from participation in this matter.

After review of the request presented by the Employer to hold this matter in abeyance and the response received from the Union, a Motion was made by Joseph Mulvey and seconded by Ellen Jordan to hold this matter in abeyance pending the appeal of the companion Case No. ULP-5673. After discussion, all Board Members present voted in favor of the Motion.

3. Case No. EE-3536 (*Petition for Affiliation/Merger*)
City of Pawtucket, Pawtucket Firefighters Independent Union & IAFF

Frank Montanaro recused himself from participation in this matter.

After review of the documents submitted by the Pawtucket Firefighters Independent Union and the International Association of Firefighters (IAFF), and after discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to accept the Pawtucket Firefighters Independent Union's request to Affiliate/Merge with the International Association of Firefighters (IAFF) and amend the certification in Case No. EE-3536 to reflect the same. All participating Board Members present voted in favor of the Motion, and did sign the amended certification, as written. Staff will contact Elizabeth Dolan for her vote and signature.

Staff contacted Elizabeth Dolan for her vote in this matter; Ms. Dolan voted in favor of the Motion and signed as written.

4. Case No. EE-3679
Town of West Warwick & NEARI (*Amended Election Petition*)

After review of the Amended Petition for Representation presented by the Union, as well as the Employer's Objection to NEARI's Amended Petition and the Petitioner's Response to Respondent's Objection, a Motion was made by Joseph Mulvey and seconded by John Capobianco to accept the amended petition and allow the position of Director of Management Information Systems to be included as part of the proposed unit. After discussion, all Board Members present voted in favor of the Motion. A Motion was made by Joseph Mulvey and seconded by John Capobianco to proceed with investigation of the position of Director of Management Information Systems. After discussion, all Board Members present voted in favor of the Motion.

Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by John Capobianco, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:25 a.m.

The meeting resumed in open session at 9:55 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

MISCELLANEOUS MATTERS:

1. Re-appointment of Margaret Hogan, Esquire as Legal Counsel for FY' 05-06

DETERMINATION: That Margaret Hogan, Esquire, has been reappointed as the Board's Legal Counsel for Fiscal Year July 1, 2005 to June 30, 2006.

A Motion to adjourn was made by Joseph Mulvey, and it was seconded by Ellen Jordan, and it was unanimously,

VOTED: to adjourn the meeting at 10:00 a.m.